

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No. 3:20-cv-00232**

DAVID BENHAM; CITIES4LIFE; GLOBAL
IMPACT MINISTRIES d/b/a LOVE LIFE; and
LOVE LIFE CHARLOTTE,

Plaintiffs,

v.

CITY OF CHARLOTTE, NORTH
CAROLINA; and MECKLENBURG
COUNTY, NORTH CAROLINA,

Defendants.

**DEFENDANT MECKLENBURG
COUNTY'S MOTION TO DISMISS**

Pursuant to Local Civil Rule 7.1 and Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Mecklenburg County moves to dismiss the Complaint because (1) Plaintiffs' claims are moot and there is no active case or controversy due to the repeal of the challenged Joint Proclamation; (2) the Court should abstain from exercising jurisdiction under *Younger v. Harris*, 401 U.S. 37 (1971) because resolving this civil action would interfere with ongoing state criminal proceedings; and (3) Plaintiffs fail to state a claim upon which relief may be granted because the Joint Proclamation—as written and as applied—did not violate their constitutional rights. In further support of this motion, Mecklenburg County relies on its accompanying Memorandum in Support of this Motion to Dismiss, which it incorporates by reference.

WHEREFORE, Mecklenburg County respectfully requests that the Court grant its motion to dismiss and dismiss the Complaint with prejudice.

This 10th day of July, 2020.

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